

No. X06-UWY-CV15-6050025-S	:	SUPERIOR COURT
	:	
DONNA L. SOTO, ADMINISTRATRIX OF	:	COMPLEX LITIGATION DOCKET
THE ESTATE OF VICTORIA L. SOTO, ET AL.	:	
	:	AT WATERBURY
v.	:	
	:	
BUSHMASTER FIREARMS	:	
INTERNATIONAL, LLC, ET AL.	:	SEPTEMBER 20, 2021

REMINGTON’S OBJECTION TO MOTION TO INTERVENE

Defendants Remington Arms Company, LLC and Remington Outdoor Company, Inc. (collectively, “Remington”) hereby submit this objection to the Motion to Intervene (the “Motion”) filed by *pro se* party James H. Fetzer (hereinafter “Fetzer”) on September 10, 2021 (Entry No. 375.00).

Fetzer, who publicly asserts claims that the December 14, 2012 murders at Sandy Hook Elementary School did not happen, should not be permitted to intervene in this action. The defamation verdict against Fetzer, secured by one of the Plaintiffs in Wisconsin state court, does not create any interest sufficient to grant him the right to intervene here under Connecticut law. Fetzer’s Motion, if granted, would present a distraction from the merits of the parties’ claims and defenses in this litigation, and would only fuel baseless conspiracy theories.

LEGAL STANDARD

Connecticut Practice Book Section § 9–18, and its analogue Rule 24 of the Federal Rules of Civil Procedure, apply where a third party seeks to intervene in a pending case. *See Rosado v. Bridgeport Roman Cath. Diocesan Corp.*, 60 Conn. App. 134, 139 (2000) (collecting cases in which Connecticut appellate courts have applied federal Rule 24). To intervene as of right, a party must establish four requirements: “[t]he motion to intervene must be timely, the moving party must have a direct and substantial interest in the subject matter of the litigation, the moving

party's interest must be impaired by disposition of the litigation without that party's involvement and the moving party's interest must not be represented adequately by any other party to the litigation.” *Shansky v. New Haven Historic Dist. Comm'n*, No. CV196091604S, 2019 WL 4668336, at *1 (Conn. Super. Ct. Aug. 22, 2019) (quoting *Episcopal Church in the Diocese of Conn. v. Gauss*, 302 Conn. 386, 397 (2011)). Intervention will not be granted if a movant fails to satisfy any one of the four requirements. *Id.*

In determining whether intervention is warranted, courts “look to the pleadings, that is, to the motion ... to intervene and to the proposed complaint or defense in intervention, and ... accept the allegations in those pleadings as true. The question on a petition to intervene is whether a well-pleaded defense or claim is asserted.” *Episcopal Church*, 302 Conn. at 398. “The inquiry is whether the claims contained in the motion, if true, establish that the proposed intervenor has a direct and immediate interest that will be affected by the judgment.” *Kerrigan v. Comm'r of Pub. Health*, 279 Conn. 447, 457 (2006).

ARGUMENT

Fetzer’s Motion should be denied because he has failed to satisfy any of the requirements for intervention here. His claimed “injury” resulting from the Connecticut Supreme Court’s recitation of the facts regarding the shootings by Adam Lanza on December 14, 2021 (Motion ¶ 5) fails to establish a “direct and immediate interest” in the subject matter of this litigation, particularly in light of his admission that his purported injury results from a jury verdict in Wisconsin, which was affirmed on appeal. (*See* Motion ¶ 5.) Neither that jury verdict nor any Wisconsin appellate decision would be affected by the outcome of this case. Thus, there is no possibility that this litigation will finally dispose of any of Fetzer’s claimed interests, and there is simply no intersection between his interest in denying the basic facts of the shooting, and the

parties' interests in determining liability in this case. Fetzer's Motion also should be denied as untimely as it was filed nearly two years after the Wisconsin jury verdict in the defamation case brought against him. *See generally Pozner v. Fetzer*, Nos. 2020AP121 & 2020AP1570, 2021 WL 1031358 (Wis. Ct. App. Mar. 18, 2021). Thus, there is no basis in Connecticut law for permitting Fetzer to intervene here, and the Court should deny his Motion.

DEFENDANTS REMINGTON ARMS
COMPANY LLC AND REMINGTON
OUTDOOR COMPANY, INC.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been emailed this day to all counsel of record and Mr. Fetzer as follows:

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